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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/895,950	06/29/2001	Robert D. Vanderminde SR.		8109

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EXAMINER

A, PHI DIEU TRAN

ART UNIT PAPER NUMBER

3637

DATE MAILED: 03/22/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/895,950

Applicant(s)

VANDERMINDEN, ROBERT D.

Examiner

Phi D A

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-- Th MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 09 January 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1,3-9,11-15 and 17-24 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1,3-9,11-13,15,17 and 19-24 is/are rejected.
- 7) ☒ Claim(s) 14 and 18 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

***Drawings***

1. Figure 1 should be designated by a legend such as --Prior Art-- because only that which is old is illustrated. See MPEP § 608.02(g). A proposed drawing correction or corrected drawings are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.
2. The drawings were received on 5/27/2003. These drawings are new figure 10. However, figure 10 already exists in the file. Is applicant trying to replace old figure 10 with the new figure 10?

***Specification***

3. The disclosure is objected to because of the following informalities: there is no mention of figure 11 in the brief description of drawing.

Appropriate correction is required.

***Claim Rejections - 35 USC § 102***

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1, 3-4 are rejected under 35 U.S.C. 102(b) as being anticipated by Small (2863466).

Small shows a tilt mechanism comprising a first tubular member (28), a second tubular member (45 and 35), a catch (44) mounted in one of the members and projecting into the other of

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the members, the catch having a plurality of recesses (60-62, 77, 79) at an end projecting into the other tubular member, a pin (74) in said other of the tubular members transversely of and in one of the recesses of the catch to lock the tubular members relative to each other, at least one of the pin and said catch being movable coaxially (the axis transverse to the length of the catch) relative to each other to release the pin from a selected one of the recesses, spring means (75) in the other tubular member for biasing the pin towards the catch, the spring means being a coil spring (compression spring) abutting the pin and a plate (the wall of the tubular member) secured in the other of the tubular members and abutting the coil spring.

3. Claims 5-8 are rejected under 35 U.S.C. 102(b) as being anticipated by Small (2863466).

Small shows a tilt mechanism comprising a first tubular member (28), a second tubular member (45 and 35), a catch (44) mounted in one of the members and projecting into the other of the members, the catch having a plurality of recesses (60-62, 77, 79) at an end projecting into the other tubular member, a pin (74) slidably mounted in said other of the tubular members transversely of and in one of the recesses of the catch to lock the tubular members relative to each other, the pin is being movable away (when pressed) from the catch to allow the other tubular member to tilt relative to said one tubular member, the end of the catch is spaced concentrically from second tubular member with the tubular members in alignment with each other and is in abutment with the second tubular member when in terminal tilted position of the tubular members relative to each other (in abutment through the pin 74), the other of the tubular members having a pair of oppositely disposed elongated slots and the pin projects through the slots (when not push the pin is graspable on one side, when pushed the pin is graspable on the other side).

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4. Claims 9-13 are rejected under 35 U.S.C. 102(b) as being anticipated by Small (2863466).

Small shows a tilt mechanism comprising a first tubular member (28), a second tubular member (45 and 35), a catch (44) fixedly mounted in one of the members along a longitudinal axis and having a stem projecting into and pivotally secured to the other of said members (45) to allow the members to pivot relative to each other, the stem having a plurality of recesses (60-62, 77, 79) at an end thereof, a pin (74) mounted in said other of the tubular members transversely of a longitudinal axis of the other of the tubular members, and in one of the recesses of the catch to lock the tubular members relative to each other, at least one of the pin and the catch being movable coaxially (coaxially respect to the transverse axis) relative to each other to release the pin from a selected one of the recesses, spring means (75) in the other tubular member for biasing the pin towards the catch, the spring means being a coil spring (compression spring) abutting the pin and a plate (the wall of the tubular member) secured in the other of the tubular members and abutting the coil spring, the pin is slidably mounted in said other of the tubular members to move away from the catch to allow the other tubular member to tilt relative to said one tubular member.

5. Claims 15, 17, 19-20, 22-24 are rejected under 35 U.S.C. 102(b) as being anticipated by Small (2863466).

Small shows a tilt mechanism comprising a first tubular member (28), a second tubular member (45 and 35), a catch (44) fixedly mounted in said first member along a longitudinal axis and having a stem projecting into said second member, the stem having a plurality of recesses (60-62, 77, 79) at a lower end thereof, a rivet (54) pivotally securing the stem in said second

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member to allow the members to pivot relative to each other, a pin (74) mounted in said second tubular members transversely of a longitudinal axis of the second tubular members, and in one of the recesses of the catch to lock the tubular members relative to each other, spring means (75) coaxially (along the axis transversely) mounted in the second tubular member for biasing the pin towards the catch and into a selected one of the recesses, the spring means being a coil spring (compression spring) abutting the pin and a plate (the wall of the tubular member) secured in the other of the tubular members and abutting the coil spring, one of the recesses being disposed centrally and a pair of recesses is disposed to opposite sides of the centrally disposed recess, the first member (28) having a bore at an upper end (per tubular member) to receive an upper wood section of a pole therein (inherently capable of doing so), the second member having a bore at a lower end (per tubular member) to receive a lower wood section of a pole therein (inherently capable of doing so), said stem is spaced concentrically from second tubular member with the tubular members in alignment with each other and is in abutment with said second tubular member in a terminal tilted position of the tubular members relative to each other (in abutment through the pin 74), the tubular members having contoured interfitting end surfaces (52 and its mating surface) to define a smooth cylindrical contour therebetween with the tubular members in alignment with each other, the second tubular member having a pair of oppositely disposed elongated slots and the pin projects through the slots for grasping thereof (figure 10).

***Claim Rejections - 35 USC § 103***

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

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(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claim 21 is rejected under 35 U.S.C. 103(a) as being unpatentable over Small (2863466).

Small shows all the claimed limitations except for the first member having a reduced diameter portion at an upper end to receive an upper metal section of a pole thereon, the second member having a reduced diameter portion at a lower end to receive a lower metal section of a pole thereon.

It would have been obvious to one having ordinary skill in the art at the time of the invention to modify Small to show the first member having a reduced diameter portion at an upper end to receive an upper metal section of a pole thereon, the second member having a reduced diameter portion at a lower end to receive a lower metal section of a pole thereon because it is well known in the art to have a tilting mechanism attaching to two sections of a metal pole together, and having reduced diameter portion would enable interfering fit with tapering sections of the metal pole section.

#### *Allowable Subject Matter*

8. Claims 14, 18 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Per claim 14, Small, Lin, Smith references do not show the pin having a rounded head at each end projecting from the other tubular member for manual contact thereof in combination with the mechanism having a first, second tubular member, a catch fixedly mounted in on tubular

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member and having a stem projecting into and pivotally secured in the other tubular member, the stem having a plurality of recesses, a pin mounted in the other tubular members transversely of the longitudinal axis of the other tubular members and in one of the recesses of the catch to lock the members together, at least one of the pin and the catch being movable coaxially relative to each other, and prior art also does not provide sufficient motivation to modify Small, Lin or Smith references to show the pin having rounded head at each end projecting from the other tubular member as taught by Hendershot (5277211).

### ***Response to Arguments***

9. Applicant's arguments with respect to claims 1,3-9, 11-15, 17-24 have been considered but are moot in view of the new ground(s) of rejection.

### ***Conclusion***

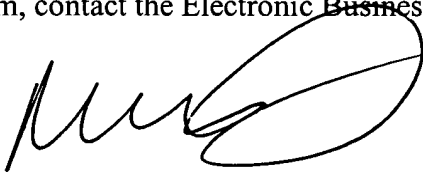
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Phi D A whose telephone number is 703-306-9136. The examiner can normally be reached on Monday-Thursday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lanna Mai can be reached on 703-308-2486. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.



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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

A handwritten signature in black ink, appearing to read 'Phi Dieu Tran A', with a large, stylized loop at the end.

Phi Dieu Tran A

03/18/04